

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 2. This sheet, which includes Fig. 2, replaces the original sheet including Fig. 2. In Fig. 2, previously omitted reference sign 16 has been added.

Attachment: Replacement Sheet
Annotated Sheet Showing Changes

REMARKS/ARGUMENTS

Status

This is an Amendment and Reply to the Office Action mailed September 30, 2008, in which the following rejections were set forth: Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,030,215, issued to Ellion et al. ("*Ellion*"); Claims 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion*; Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* in view of U.S. Patent No. 6,997,883, issued to Hahn ("*Hahn*"); Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* in view of U.S. Patent No. 5,295,829, issued to Frey ("*Frey*"); Claims 10, 12, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* in view of U.S. Patent No. 4,17,918, issued to Donohue ("*Donohue*"); Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* in view *Donohue* and further in view of U.S. Patent No. 5,252,064, issued to Baum ("*Baum*"); and, Claims 14-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ellion* in view of *Donohue* and further in view of U.S. Patent No. 4,569,662, issued to Dragan ("*Dragan*").

In addition, the Examiner has objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because they do not include the following reference signs mentioned in the description: 24 and 16.

Drawing Rejections

With respect to reference signs 16 and 24, Applicant has amended Fig. 2 to include reference sign 16 and the Specification has been amended to include reference sign 24.

With respect to Applicant's contention that the details of Fig. 2 are not clearly illustrated, Applicant does acknowledge that while it may require a certain amount of diligence to follow the reference lines between the reference numerals and the components associated thereto, Applicant respectfully submits that with the appropriate amount of diligence, the drawings and the description thereof provide a detailed and complete representation of the embodiment shown.

As such, Applicant asserts that the amended drawings are now in compliance with 37 C.F.R. § 1.84(p)(5) and respectfully requests that the Examiner reconsider this objection and accept the drawings as amended.

Claim Rejections § 112, ¶2

Applicant has amended the claims to correspond to those allowed in Applicant's corresponding foreign application—EP 1 467 781 B1—from which this application claims priority thereto. As such, Applicant contends that all pending claims particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Applicant therefore requests that the rejections be removed and that the pending claims be allowed to issue.

Claim Rejections § 102(b)

Applicant's amended Claim 1 now includes the elements of Claims 2 and 3 and is directed to the elements of a single double-acting mobile piston and particular passage ways connecting the working spaces of the pump with the cannula. Applicant contends amended Claim 1 is neither known from *Ellion* nor obvious in view thereof.

While the Examiner has also referred to *Ellion* in connection with original claim 2 and the knowledge of the specialist, it should be noted that *Ellion* and the general knowledge regarding check valves do not make obvious Applicant's claimed invention. In fact, in accordance with the teachings of *Ellion*, it is not possible to deliver and withdraw liquid through one and the same cannular.

Because *Ellion* fails to disclose, teach, or suggest each and every element of Applicant's amended independent Claim 1, Applicant respectfully submits that amended Claim 1—and all claims depending there from—are in a condition for allowance and therefore requests that the rejection of Claims 1 and 4-13 be removed and the claims be allowed to issue.

Rejections Under 35 U.S.C. § 103(a)

As shown above, *Ellion* fails to disclose each and every element of amended independent Claim 1. In addition, *Ellion* fails to suggest its modification in which it discloses each and every element of amended Claim 1. Furthermore, none of the other cited reference compensate for *Ellion's* failure to disclose each and every element of the claimed invention. Accordingly, Applicant submits that independent Claim 1—as well as all claims ultimately depending thereon—are patentably distinct over the cited references. As such, Applicant respectfully submits that Claims 1 and 4-13 are in condition for allowance.

Further Comments

Lastly, for at least the following reasons set forth below, the other cited references neither anticipate Applicant's claimed invention as amended, nor render it obvious:

US 4,569,662—discloses a syringe that can be connected to a disposable tip. This reference also considers withdrawal of the liquid; however this withdrawal is effected using the same working space of the syringe that also serves as the reservoir for the treatment fluid.

US 4,617,918—relates to an apparatus capable of delivering and withdrawing a treatment fluid; however two separate pumps are used for the delivery and withdrawal functions and there are two distinct units for providing and withdrawing liquid. Thus, US 4,617,918 does not relate to a common single handpiece.

US 5,252,064—relates to an apparatus for delivering a treatment liquid into tooth pockets. There is a base unit of the apparatus which can receive a normal syringe. The piston of the syringe is moved by pressure fluid, however no withdrawal of liquid is mentioned in this reference. This reference also does not teach the valve arrangements of amended Claim 1.


US 6,997,88—is somewhat similar to the invention regarding the overall desired action, however there is not a single double-acting pump that is equally capable of delivering and withdrawing liquid. Also, the reservoir for treatment liquid and the pump are not integrated into a common handpiece.

Based upon the claim amendments and reasoning set forth above, Applicant asserts that amended Claim 1, as well as all claims ultimately depending thereon, are patentably distinct over the cited prior art references—as well as those references that have been cited in the European examination procedure of the corresponding foreign application.

If any additional fees are required with this correspondence, the Commissioner is authorized to debit Applicant's Deposit Account 50-0545.

Respectfully Submitted,

Dated: March 26, 2009


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop – Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 26, 2009.



Rolanda Solis

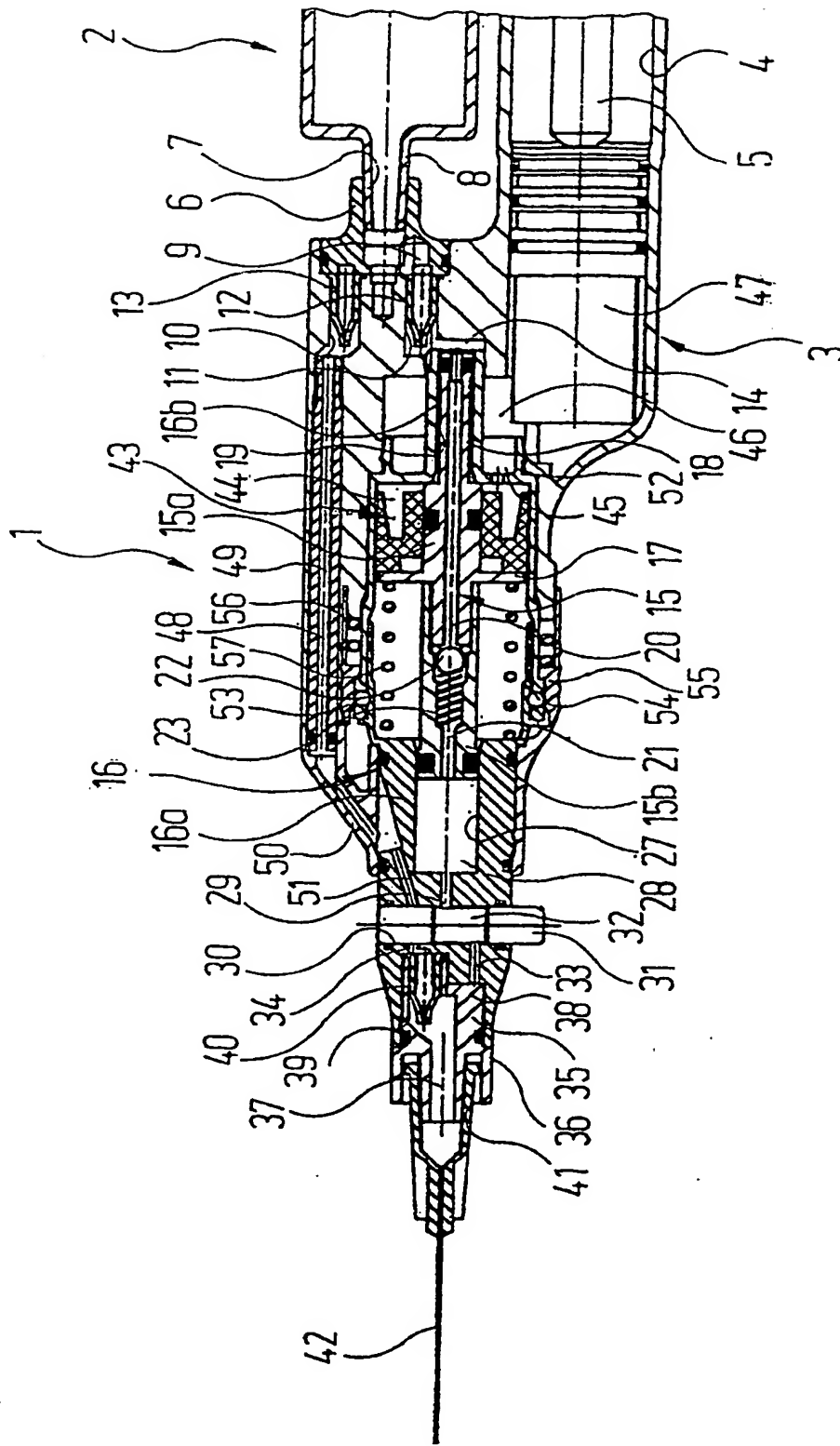


Fig. 2